

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: Lezell Jeffery and Laquita Jeffery
DEBTORS**

**CASE NO. 07-13110-NPO
CHAPTER 13**

MOTION TO MODIFY PLAN
(SURRENDER VEHICLE AND CURE ARREARAGE)

COME NOW the above referenced Debtors, by and through their attorney of record, W. Heath Franklin, and move this Court for an Order modifying their confirmed Chapter 13 Plan to allow for the proposed surrender of a 2006 Nissan Altima and for any plan arrearage to be paid over the remaining months of the plan. In support thereof Debtor states as follows:

1. The Debtors filed a voluntary petition under Chapter 13 of the U. S. Bankruptcy Code on August 31, 2007, and their Chapter 13 Plan was confirmed by this court on January 24, 2008.
2. Debtor lost his regular employment around November 2009 and has not been able to find sufficient re-employment. As a result, their Chapter 13 Plan payments are currently in arrears.
3. Both Debtors desire to surrender their interest in that personal property described as a 2006 Nissa Altima, in order to reduce the current arrearage, and make their ongoing Chapter 13 Plan payments more feasible for their current income.
4. Drive Financial Services (hereinafter "Creditor") holds a valid lien on said property, and has filed a proof of claim [Claim # 1] in this case. The Debtors propose that their plan be amended to treat the respective claim of Creditor as all other unsecured creditors and that no further payments (other than those funds already paid) be made by

the Trustee to Creditor unless funds become available in the future for unsecured creditors.

5. Debtors would ask that the Chapter 13 Plan be amended to reflect this change in treatment of Creditor, that the remaining arrears be paid over the life of their plan, and the wage order be amended by the Chapter 13 Trustee accordingly.

WHEREFORE premises considered Debtors pray that this Court grant their request to:

- A) Allow for the Surrender of the 2006 Nissan Altima to the Creditor;
- B) Treat the respective claim of Creditor as all other unsecured creditors and that no further payments be made by the Trustee to Creditor unless funds become available in the future for unsecured creditors;
- C) Pay the remaining Chapter 13 Plan arrears over the life of their plan.
- D) Amend the Chapter 13 Plan and Wage Order accordingly;
- E) Debtor prays for general relief.

THIS the 15th of April, 2010.

RESPECTFULLY SUBMITTED,

FRANKLIN LAW FIRM, PLLC

BY: /s/W. Heath Franklin
W. HEATH FRANKLIN, MSB# 99158
540 Main Street, Suites 301-303
Greenville, MS 38702
Phone 662-332-2230
Facsimile 662-332-3477